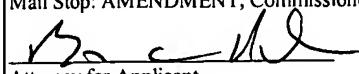




CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on February 27, 2005.

  
Attorney for Applicant

PATENT  
File No. 1042.2.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	Donald T. Comer	)
		)
Serial No.:	10/826,239	) Art Unit
		) #2819
Filed:	April 16, 2004	)
		)
For:	RESPONSE-BASED ANALOG-TO-DIGITAL	)
	CONVERSION APPARATUS AND METHOD	)
		)
		)
Examiner:	Joseph Lauture	)

RESPONSE TO OFFICE ACTION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the communication from the Examiner mailed November 1, 2004,  
applicant is submitting a TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT in compliance with 37 CFR 1.321(c) as suggested by  
the Examiner during an interview on January 3, 2005. The corresponding document is included

herewith as well as the Terminal Disclaimer fee under 37 CFR 1.20(d) and the corresponding fee transmittal sheet.

In the event that the Examiner finds any remaining impediments to the prompt allowance of the above-referenced application which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the undersigned.

Respectfully submitted,



Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

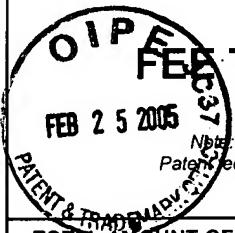
Date: February 21, 2005

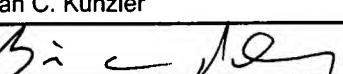
Kunzler and Associates  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Telephone: (801) 994-4646  
FAX: (801) 531-1929

JFW

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 <b>FEE TRANSMITTAL</b> <small>Nbr: Effective December 8, 2004. Patent fees are subject to annual revision.</small>		<b>Complete If Known</b>	
		Application Number	10/826,239
		Filing Date	April 16, 2004
		First Named Inventor	Donald T. Comer
		Group Art Unit	2819
		Examiner Name	Joseph J. Lauture
<b>TOTAL AMOUNT OF PAYMENT</b>		\$ 125	
		Attorney Docket Number	1042.2.3

<b>METHOD OF PAYMENT (check one)</b>		<b>FEES CALCULATION (continued)</b>																																																																																																																																																																																																	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td>60</td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1590</td><td>2254</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2160</td><td>2255</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive -unavoidably</td><td></td></tr> <tr><td>1453</td><td>1370</td><td>2453</td><td>685</td><td>Petition to revive - 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Typed or Printed Name		Brian C. Kunzler		Reg. Number	38,527																																																																																																																																																																																														
Signature				Date	Feb 3, 2005																																																																																																																																																																																														

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